



& C U L B E R T S O N L L P

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December 15, 2014

VIA ELECTRONIC FILING

Hon. Roslynn R. Mauskopf
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

*Re: Martinez v. LVNV Funding LLC, et al.
Docket No. 14-cv-00677 (RRM)(MDG)*

Dear Judge Mauskopf:

We represent Defendants LVNV Funding LLC, Resurgent Capital Services, LP, Allied Interstate LLC and Aegis Group, LLC in the above-referenced lawsuit, and write in response to Plaintiff's letter, dated December 12, 2014, requesting (a) additional time to submit his letter in further response to Defendants' pre-motion letter, and (b) that the Court direct Defendants to comply with Judge Go's Order by a date certain. Defendants object to Plaintiff's requests. In his letter, Plaintiff's attorney further states that Defendants have failed to respond to his messages which is incorrect as set forth below.

On December 5, 2014, the parties appeared before Magistrate Go for a ruling on Plaintiff's motion to compel. When the December 5th conference was held, Magistrate Go was already well aware that Defendants had already filed a pre-motion letter in order to move for summary judgment. Notwithstanding the arguments raised by Plaintiff concerning his discovery motion, Magistrate Go's discovery rulings reflect that such supplemental information have no bearing on the issues for the Court to consider in summary judgment because the deadline for such responses was set three weeks after Your Honor issues a ruling on Defendants' pre-motion letter for summary judgment. *See* Minute Order, dated December 5, 2014. Indeed, Defendants submit that the additional information specifically ordered by the Court have no bearing and will not alter the facts concerning (1) information contained in Plaintiff's credit report, and (2) the collection letter sent to Plaintiff and Plaintiff's subsequent response to that letter. The undisputed facts surrounding these issues are sufficient for the motion for summary judgment to proceed independent of the supplemental discovery to be provided by Defendants. In other words, the supplemental discovery concern corollary matters and will not affect the issues of liability to be determined by the Court.

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With respect to Plaintiff's claim that Defendants did not respond to his messages, we emailed Plaintiff's counsel that due to a very hectic schedule, we would not be available for a call until much later on Friday. Plaintiff's counsel filed his letter request anyhow and then emailed us indicating that we could speak either later during the day on Friday but if not, that we should confer by today. In any event, Defendants' objection to Plaintiff's requests is explained above. Nonetheless, Defendants have no objection if Plaintiff needs additional time to submit his letter to the Court but do object to conducting additional discovery before such letter is filed by Plaintiff.

We thank the Court for its consideration in this matter.

Respectfully submitted,

HINSHAW & CULBERTSON LLP

By: s/Concepcion A. Montoya

Concepcion A. Montoya (CM-7147)

cc: Ahmad Keshavarz, Esq. (Via ECF)